

REMARKS

Upon entry of the present amendments, claims 10 and 27-47 will be pending. Support for claims 10 and 27-47 can be found in the specification and claims as originally filed, for example, see Figures 1, 3-7, 9, and 11-13, and paragraphs [0038]-[0041], [[0076], [0090], [0114], [0116], [0120], [0148]-[0151] and [0167].

PROVISIONAL ELECTION WITH TRAVERSE

The Examiner has required an election under 35 U.S.C. § 121 between Groups 1 to 7. The Examiner contends that the inventions or groups of inventions “are distinct, each from the other.” *See*, Paper No. 20060910, pages 2-4. The Examiner has further required an election of species.

In response, Applicants provisionally elect, *with traverse*, the invention of Group 3 represented by originally filed claim 10, and now represented (upon entry of the present amendment) by claim 10 and new claims 27-47. Applicants reserve the right to file one or more divisional applications directed to non-elected inventions and/or subject matter encompassed by claims canceled herein. Applicants provisionally elect, *with traverse*, the species defined by the polypeptide of SEQ ID NO:16, which also corresponds to the polypeptide encoded by the polynucleotide sequence of SEQ ID NO:15 and/or the cDNA contained in ATCC Deposit. No. 97102.

With respect to the Examiner’s division of the invention into seven groups, and the reasons stated therefor, Applicants respectfully disagree and traverse. Applicants point out that even where patentably distinct inventions appear in a single application, restriction remains improper unless the Examiner can show that the search and examination of these groups would entail a “serious burden”. *See* M.P.E.P. § 803. In the present situation, a showing that search and examination of the pending claims would entail a serious burden has not been made. Applicants retain the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

Conclusion

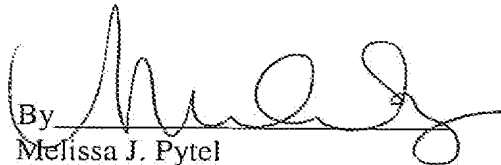
Applicants respectfully request that the above-made remarks be entered and made of record in the file history of the instant application. The Examiner is invited to call the

undersigned at the phone number provided below if any further action by Applicant would expedite the examination of this application.

If any fees, not already accounted for, are due in connection with the filing of this paper, please charge such fees to our Deposit Account No. 08-3425. If a fee, not already accounted for, is required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated: October 23, 2006

Respectfully submitted,

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